

Exhibit 17

JERRY DELA CRUZ
HERNANDEZ vs WELLS FARGO BANK

December 10, 2019

1-4

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1	UNITED STATES DISTRICT COURT		
2	NORTHERN DISTRICT OF CALIFORNIA		
3			
4	ALICIA HERNANDEZ, et al.,	Case No.	
5	individually and on behalf of		
6	all others similarly situated,	3:18-cv-07354	
7	Plaintiffs,		
8	vs.		
9	WELLS FARGO & COMPANY and		
	WELLS FARGO BANK, N.A.,		
10	Defendants.		
11	_____		
12			
13			
14	VIDEOTAPED DEPOSITION OF JERRY DELA CRUZ		
15	DECEMBER 10, 2019		
16	9:31 A.M.		
17			
18	101 California Street, 35th Floor		
19	San Francisco, California		
20			
21			
22	Reported by Mona M. Russo, CSR No. 8771, RDR, CRR		
23			
24			
25			
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7	Plaintiffs,		
8	vs.		
9	WELLS FARGO & COMPANY and		
	WELLS FARGO BANK, N.A.,		
10	Defendants.		
11	_____		
12			
13			
14	VIDEOTAPED DEPOSITION OF JERRY DELA CRUZ,		
15	taken on behalf of Defendants, at 101 California		
16	Street, 35th Floor, San Francisco, California,		
17	beginning at 9:31 a.m. and ending at 12:32 p.m., on		
18	Tuesday, December 10, 2019, before MONA M. RUSSO,		
19	Certified Shorthand Reporter No. 8771.		
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1	TUESDAY, DECEMBER 10, 2019; 9:31 A.M.			
2				
3				
4	THE VIDEOGRAPHER: Good morning. We are now on the video record on December 10th, 2019. The time is 9:31 a.m. My name is Kevin McMahon. The court reporter today is Mona Russo. We're both here representing Esquire Deposition Solutions in San Francisco, California.			
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6				
7				
8				
9				
10	This is the beginning of Disk 1 for the deposition of Jerry Dela Cruz in the matter of Hernandez, et al., versus Wells Fargo Bank, N.A.			
11				
12				
13	The case number is 18-cv-0735(WHA). We are located at Winston Strawn, 101 California Street, 35th Floor, San Francisco, California, 94111.			
14				
15				
16	Counsel, would you please identify yourselves for the record.			
17				
18	MS. ROSS: Sure. Joelle Ross from Winston & Strawn on behalf of the defendants.			
19				
20	MR. FLINT: Ariel Flint from Winston & Strawn on behalf of the defendants.			
21				
22	MS. LAM: Linda Lam of Gibbs Law Group for plaintiffs.			
23				
24	MR. KOSBIE: Jeffrey Kosbie of Gibbs Law Group for plaintiffs.			
25				

<p style="text-align: right;">Page 9</p> <p>1 THE VIDEOGRAPHER: The court reporter may 2 swear in the witness. 3 4 JERRY DELA CRUZ, 5 having been first duly sworn, was examined and 6 testified as follows: 7 8 THE VIDEOGRAPHER: Please proceed. 9 EXAMINATION 10 BY MS. ROSS: 11 Q Mr. Dela Cruz, can you please state your 12 name for the record? 13 A My name is Jerry Dela Cruz. 14 Q And I know we met a moment ago. I'm 15 Joelle Ross. I'm one of the attorneys for the 16 defendant, Wells Fargo, and I'm going to be asking 17 you a series of questions related to this lawsuit 18 today. 19 Are you prepared to testify today? 20 A Yes. 21 Q Is there any reason why you cannot testify 22 fully and truthfully today? 23 A No, I don't think so. 24 Q Do you understand that you are under oath 25 today?</p>	<p style="text-align: right;">Page 11</p> <p>1 will ask that if a question is pending, that you 2 answer the question before we take our break. 3 Is that okay? 4 A Okay. 5 Q Okay. Are you being represented by 6 counsel today? 7 A Yes. 8 Q And who is your counsel? 9 A These guys right here, I think. 10 Q Do you know their names? 11 A Jeff and Linda. 12 Q Okay. And they're from Gibbs Law Group? 13 A Yes. 14 Q Okay. When did you retain them as your 15 counsel? 16 A Today, I believe. I met them today. 17 Q What time? 18 A About 8:30. 19 Q And where did you meet them? 20 A In the lobby downstairs. 21 Q Downstairs of this building? 22 A Yes. 23 Q Okay. And did you meet with them? 24 A Yes, prior to this deposition. 25 Q So it's about 9:30 now. So you've met</p>
<p style="text-align: right;">Page 10</p> <p>1 A Yes. 2 Q Have you ever been a witness in a 3 deposition before? 4 A Not at all. 5 Q How about have you ever given sworn 6 testimony in a trial? 7 A No. 8 Q To make sure that we have a clean record, 9 I'm just going to ask that you answer my questions 10 verbally, which you have been doing, so just make 11 sure to not shake your head yes or no. 12 A Okay. 13 Q Please don't use unclear answers, like 14 "uh-huh" or "mh-hm," and I'm going to do the same 15 myself. 16 Does that sound good? 17 A I'm going to try not to move my head. 18 Yes. 19 Q And if you don't understand a question for 20 any reason, just ask me to rephrase the question. 21 Is that okay? 22 A Yes. 23 Q Okay. We're going to try to take a break 24 every hour or so, and if you need to take a break at 25 any time, just let us know, and we can pause, but I</p>	<p style="text-align: right;">Page 12</p> <p>1 with them for about an hour? 2 A I believe so, yes. 3 Q Okay. Did you review any documents with 4 counsel? 5 A No. 6 Q Did you -- so you didn't review any 7 documents to refresh your recollection of what 8 happened? 9 A No. 10 Q Okay. So I'm going to show you what we're 11 going to mark as Exhibit -- 12 THE REPORTER: 601. 13 MS. ROSS: Thank you. 601. 14 (Defendant's Exhibit 601 was marked for 15 identification.) 16 BY MS. ROSS: 17 Q It's a copy of the federal court subpoena 18 that you received. 19 A Oh, yes. 20 Q Do you recognize this document? 21 A Yes, I do. I'm sorry. 22 Q Okay. And you were served with this 23 document on November 30th; is that right? On or 24 about November 30th? 25 A Yeah, I think so.</p>

<p style="text-align: right;">Page 33</p> <p>1 it says, "I promise to pay \$41,400"?</p> <p>2 Do you see that?</p> <p>3 A Yes.</p> <p>4 Q Okay. So this refreshes your recollection</p> <p>5 that your loan was in the amount of \$41,400?</p> <p>6 A Yes.</p> <p>7 MR. KOSBIE: Objection as to form.</p> <p>8 BY MS. ROSS:</p> <p>9 Q Was your loan in the amount of \$41,400?</p> <p>10 A Yes.</p> <p>11 Q Okay. In the middle of the first page,</p> <p>12 underneath paragraph 3, "Payments," subsection (B),</p> <p>13 "Amount of Monthly Payments: My monthly payment</p> <p>14 will be in the amount of \$235.06."</p> <p>15 Do you see that?</p> <p>16 A Yes.</p> <p>17 Q Were your monthly payments under the loan</p> <p>18 \$235.06?</p> <p>19 A Yes.</p> <p>20 MS. ROSS: 604.</p> <p>21 (Defendant's Exhibit 604 was marked for</p> <p>22 identification.)</p> <p>23 BY MS. ROSS:</p> <p>24 Q I'm now showing you what we've marked as</p> <p>25 Exhibit 604, which is Bates labeled</p>	<p style="text-align: right;">Page 35</p> <p>1 document, if you look at the section "Uniform</p> <p>2 Covenants," and then look at Number 1, "Payment of</p> <p>3 Principal, Interest, Escrow Items, Prepayment</p> <p>4 Charges, and Late Charges," will you please take a</p> <p>5 moment to read through this paragraph?</p> <p>6 A Out loud?</p> <p>7 Q Oh, no, to yourself.</p> <p>8 A Oh, I'm sorry. Okay.</p> <p>9 Q Yeah, just to read what it says.</p> <p>10 (Document review.)</p> <p>11 THE WITNESS: Okay.</p> <p>12 BY MS. ROSS:</p> <p>13 Q In your own words, what does this</p> <p>14 paragraph mean to you?</p> <p>15 A It means I have to pay them because I</p> <p>16 signed a form.</p> <p>17 Q And now turning to the page ending in</p> <p>18 175168, which is in the middle of the document,</p> <p>19 underneath "Nonuniform Covenants," paragraph 22,</p> <p>20 "Acceleration: Remedies," will you take a moment</p> <p>21 and read through this paragraph?</p> <p>22 A Okay.</p> <p>23 (Document review.)</p> <p>24 THE WITNESS: Okay.</p> <p>25</p>
<p style="text-align: right;">Page 34</p> <p>1 WFHERNANDEZ00175156 to 175177, which is the deed of</p> <p>2 trust for the Fisher Court property.</p> <p>3 Do you recognize this document as the deed</p> <p>4 of trust for the property at issue?</p> <p>5 A No, I don't.</p> <p>6 Q Turning to the second page of the</p> <p>7 document, do you see that the document, underneath</p> <p>8 the words "Deed of Trust," it is dated May 4th,</p> <p>9 2011?</p> <p>10 A Mh-hm.</p> <p>11 Q And it lists you, Jerry Dela Cruz, as the</p> <p>12 borrower?</p> <p>13 A Yes.</p> <p>14 Q And if you turn to the page ending in</p> <p>15 Bates Number 175169, which is in the middle of the</p> <p>16 document, do you see your signature there?</p> <p>17 A Yes.</p> <p>18 Q So you signed this document?</p> <p>19 A Yes.</p> <p>20 Q Did you read through this document before</p> <p>21 you signed it?</p> <p>22 A I'm sure I did at that time, but I don't</p> <p>23 remember now.</p> <p>24 Q Turning now to the page ending in 175159,</p> <p>25 which I think is about the fourth page of the</p>	<p style="text-align: right;">Page 36</p> <p>1 BY MS. ROSS:</p> <p>2 Q In your own words, what does this</p> <p>3 paragraph of the agreement mean to you?</p> <p>4 A That I have to pay them back, agreement of</p> <p>5 security instruments.</p> <p>6 Q Is it fair to say that this paragraph says</p> <p>7 Wells Fargo can require immediate payment of the</p> <p>8 mortgage if you fail to pay monthly payments before</p> <p>9 the due date?</p> <p>10 MR. KOSBIE: I object as to form.</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MS. ROSS:</p> <p>13 Q And looking at the first paragraph under</p> <p>14 paragraph 22, like the first section at the top, the</p> <p>15 second to last sentence of that paragraph says, "If</p> <p>16 the default is not cured on or before the date</p> <p>17 specified in the notice, lender at its option may</p> <p>18 require immediate payment in full of all sums</p> <p>19 secured by this security instrument without further</p> <p>20 demand and may invoke the power of sale and any</p> <p>21 other remedies permitted by applicable law."</p> <p>22 Do you see that?</p> <p>23 A Yes.</p> <p>24 Q Did you read this paragraph when you --</p> <p>25 before you signed the document?</p>

Page 37	Page 39
1 A No, I didn't.	1 A No.
2 Q So you never read this paragraph before?	2 Q Did you work with -- or was anyone with
3 A No.	3 you when you signed all these documents?
4 Q When you signed this security instrument	4 A My uncle.
5 here today, that's here in front of you -- let me	5 Q And who's your uncle?
6 start over.	6 A Oscar; Oscar, Sr., Galay, Sr.
7 When you signed this deed of trust, did	7 Q Oscar Galay, Sr.?
8 you understand that you were required to make	8 A Yeah.
9 monthly payments on time?	9 Q Did Oscar review these documents?
10 A Yes.	10 A I don't know if he did.
11 Q And did you understand that if you did not	11 Q Did he see the documents?
12 make monthly payments on time, Wells Fargo had the	12 A I'm sure he did, yes.
13 right to require immediate payment of the mortgage	13 Q Did you guys discuss the contents of the
14 in full?	14 mortgage?
15 MR. KOSBIE: I object as to form.	15 A Yes.
16 THE WITNESS: No, I didn't know that.	16 Q Is the property at 2942 Fisher Court the
17 BY MS. ROSS:	17 first home that you've owned?
18 Q But it is stated in this paragraph that we	18 A Yes.
19 just looked at; is that right?	19 Q Was the property at 2942 Fisher Court your
20 A Yes.	20 primary residence?
21 MR. KOSBIE: I object as to form.	21 A No.
22 BY MS. ROSS:	22 Q What was your primary residence?
23 Q So you just did not read the paragraph?	23 A At that time, I was living in Pacifica.
24 A This one right here?	24 Q In 2011?
25 Q Before you signed?	25 A Yes.
Page 38	Page 40
1 A No, I didn't.	1 Q What was your address in Pacifica?
2 Q Did you read the document before you	2 A I thought I saw it on one of these that I
3 signed?	3 filled out the form. Right here, 336 Glencourt Way,
4 A Not all of it.	4 Pacifica, California.
5 Q Turning to -- in this document, turning to	5 Q Can you let me know what exhibit you're
6 the second to last page, which is Bates numbered	6 looking at?
7 175176, do you see this page is called "Second Home	7 A Oh, yeah, sorry.
8 Rider"?	8 Q What's the number at the bottom? Sorry.
9 A Mh-hm.	9 A 602.
10 Q And it is dated May 4th, 2011; is that	10 Q Okay. And what is the page number at the
11 right?	11 bottom right, I mean, the Bates number?
12 A Yes.	12 A 713, 00175713.
13 Q And it has the property address	13 Q Got it. Thank you. Okay. I see what
14 2942 Fisher Court in Stockton, California?	14 you're looking at.
15 A Yes.	15 335 Glencourt Way, Pacifica, California?
16 Q And if you turn the page to the last page	16 A Yeah.
17 of the document, is that your signature?	17 Q And that was your address in 2011?
18 A Yes.	18 A Yes.
19 Q So you signed this document?	19 Q Where is Pacifica, California?
20 A Yes.	20 A It is next to Daly City. It's the city
21 Q Did you review the document before you	21 over. They're very close. It's pretty much the
22 signed?	22 same city over.
23 A No.	23 Q Yeah. So 45 minutes from here?
24 Q Did you work with an attorney to obtain	24 A Same thing, yeah, with traffic.
25 this mortgage?	25 Q With traffic?